Case 07-13251 Doc 1

Filed 07/24/07

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Document Page 1 of 9 United States Bankruptcy Court Northern District of Illinois

IN	NRE:	Case No	Case No		
NC	OWAK, JOSEPH A	Chapter 13			
	Debtor(s	(s)			
1.		COMPENSATION OF ATTORNEY FOR DEBTOR 016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation pa or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in vs:	aid to me within n contemplation		
	For legal services, I have agreed to accept	\$	3,774.00		
		\$			
	Balance Due	\$	3,074.00		
2.	The source of the compensation paid to me was: $\[\[\] \]$	Debtor Other (specify):			
3.	The source of compensation to be paid to me is: $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$	Debtor Other (specify):			
4.	✓ I have not agreed to share the above-disclosed com	pensation with any other person unless they are members and associates of my law firm.			
	I have agreed to share the above-disclosed compentogether with a list of the names of the people shari	nsation with a person or persons who are not members or associates of my law firm. A copy of ing in the compensation, is attached.	f the agreement,		
5.	In return for the above-disclosed fee, I have agreed to re	ender legal service for all aspects of the bankruptcy case, including:			
	b. Preparation and filing of any petition, schedules, sta	litors and confirmation hearing, and any adjourned hearings thereof;			
6.	By agreement with the debtor(s), the above disclosed fee	e does not include the following services:			
I	I certify that the foregoing is a complete statement of any agreement.	CERTIFICATION agreement or arrangement for payment to me for representation of the debtor(s) in this bankrup	tcy		
_	July 24, 2007	/s/ Sherry L. Howard			
	Date	Signature of Attorney			
		Law Office Of Sherry L. Howard Name of Law Firm			

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UNITED STATES BANKRUPTCY COURT

NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in instalments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them,

using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Printed Name and title, if any, of Bankruptcy Petition Preparer Address:	Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer,
X	principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer of officer, principal, responsible person, or partner whose Social Security number is provided above.	

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

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NOWAK, JOSEPH A Printed Name(s) of Debtor(s)	X /s/ JOSEPH A NOWAK Signature of Debtor	7/24/2007 Date
Case No. (if known)	X	Date

Case 07-13251 Doc (Official Form 1) (04/07)		ed 07/24/07 Document	Entered Page 4	d 07/24/07 of 9	7 19:02:0)7 Des	sc Main
United S		nkruptcy C	•			T 7 1	D 444
North	<u>iern Dist</u>	<u>rict of Illino</u>					ntary Petition
Name of Debtor (if individual, enter Last, First, NNOWAK, JOSEPH A	fiddle):		Name of Join	nt Debtor (Spous	se) (Last, First	, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):			
Last four digits of Soc. Sec. No./Complete EIN or than one, state all): 0545	Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all):						
Street Address of Debtor (No. & Street, City, State 26220 W Arbor Ln	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):						
Channahon, IL	ZIPCODI	E 60410-5562	-			ZI	PCODE
County of Residence or of the Principal Place of I Will	Business:	00410 0002	County of Re	esidence or of th	e Principal Pla	ace of Busines	SS:
Mailing Address of Debtor (if different from street	et address)		Mailing Address of Joint Debtor (if different from street address):				
	ZIPCODI	 E	_			ZI	PCODE
Location of Principal Assets of Business Debtor (if different fro	m street address ab	ove):			•	
							PCODE
Type of Debtor (Form of Organization)		Nature of B (Check one			Chapter of B	ankruptcy C	ode Under Which heck one box.)
(Check one box.)	l ⊓ Hea	lth Care Business	t uux.)	□ Cha	npter 7	*	er 15 Petition for
Individual (includes Joint Debtors)	☐ Sing	gle Asset Real Estat	e as defined in	11 ☐ Cha	ipter 9	Recog	nition of a Foreign
See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP)	U.S □ Rail	.C. § 101(51B)		L Cha	ipter 11 ipter 12	Main I	Proceeding er 15 Petition for
Partnership	☐ Stoc	ekbroker		↓ Cha	ipter 13	Recog	nition of a Foreign
Other (If debtor is not one of the above entities check this box and state type of entity below.)	, ∐Con □Clea	nmodity Broker aring Bank		-		Nonm Nature of D	ain Proceeding
J1	Oth	er				(Check one b	oox)
	- —	Tax-Exemp	t Entity	✓ Del	ots are primari s, defined in 1	ly consumer	Debts are primarily business debts.
		(Check box, if a	pplicable.)	§ 10	01(8) as "incur	red by an	business debts.
	organization un states Code (the	nder indi	vidual primari onal, family, c	ly for a or house-			
	Inter	rnal Revenue Code).	holo	purpose."	51 110 u 50	
Filing Fee (Check one	box)		Check one be	OV.	Chapter 11 l	Debtors:	
Full Filing Fee attached			Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).				
☐ Filing Fee to be paid in installments (Applicabl			Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).				
attach signed application for the court's consideration is unable to pay fee except in installments. Rule	eration certifyi 2 1006(b) See	ing that the debtor	Check if: Debtor's aggregate noncontingent liquidated debts owed to non-insiders or				
3A.	7 1000(0): 500	Official 1 offic	affiliates are less than \$2,190,000.				
Filing Fee waiver requested (Applicable to char	oter 7 individu	als only). Must	Check all applicable boxes:				
attach signed application for the court's consider	eration. See O	fficial Form 3B.	A plan is being filed with this petition				
			Acceptanc	ces of the plan w in accordance w	ere solicited p	repetition from § 1126(b).	m one or more classes of
Statistical/Administrative Information							COURT USE ONLY
Debtor estimates that funds will be available for Debtor estimates that, after any exempt proper no funds available for distribution to unsecured	or distribution ty is excluded 1 creditors.	to unsecured credit and administrative	ors. expenses paid,	there will be			
Estimated Number of Creditors							
1- 50- 100- 200- 1,000-	5,001-	10,001- 25,00					
49 99 199 999 5,000 2	10,000	25,000 50,0	00 100,000	100,000			
Estimated Assets	<u> </u>				1		
\$0 to \$10,000 to \$100,000	\$100,000 to \$1 million	5 □ \$1 mill \$100 m		More than \$100 million			
Estimated Liabilities \$\sum \\$0 to \$\sum \\$50,000 to \$\sum \\$	Y \$100,000 to			More than			
\$50,000 \$100,000	\$1 million	\$100 m	ıllıon	\$100 million	ĺ		

entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing

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Document

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FORM B1, Page 2

of the petition.

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Case 07-13251 Doc 1 Filed 07/24/07 (Official Form 1) (04/07) Document	Entered 07/24/07 19:02:07 Desc Main Page 6 of 9 FORM B1, Page 3			
Voluntary Petition (This page must be completed and filed in every case)	Name of Debtor(s): NOWAK, JOSEPH A			
	tures			
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United State Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X /s/ JOSEPH A NOWAK Signature of Debtor Telephone Number (If not represented by attorney) July 24, 2007 Date	Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached. Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. X Signature of Foreign Representative Date			
Signature of Attorney X /s/ Sherry L. Howard Signature of Attorney for Debtor(s) Sherry L. Howard 06207899 Printed Name of Attorney for Debtor(s) Law Office Of Sherry L. Howard Firm Name 30 E 34th St Address Steger, IL 60475-1759 (708) 755-1860 Telephone Number July 24, 2007 Date	Signature of Non-Attorney Petition Preparer I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached. Printed Name and title, if any, of Bankruptcy Petition Preparer Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)			

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Cionat	ure of Auth	omizad Inc	lividual		
Signat	ule of Auth	ionzea mo	iividuai		
D	137 C		17 11 11	<u> </u>	
Printed	1 Name of A	Authorized	d Individua		
Title o	f Authorize	ed Individu	ıal		

Address

X
Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

Case 07-13251 Official Form 1, Exhibit D (10/06)

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IN RE:	Cosa No.
	Chapter is
NOWAK, JOSEPH A Debtor(s)	Chapter 13
EXHIBIT D - INDIVIDUAL DEBTOR'S WITH CREDIT COUNSEL	STATEMENT OF COMPLIANCE ING REQUIREMENT
Warning: You must be able to check truthfully one of the five stated do so, you are not eligible to file a bankruptcy case, and the court c whatever filing fee you paid, and your creditors will be able to resu and you file another bankruptcy case later, you may be required to to stop creditors collection activities.	an dismiss any case you do file. If that happens, you will lose me collection activities against you. If your case is dismissed
Every individual debtor must file this Exhibit D. If a joint petition is filed one of the five statements below and attach any documents as directed.	, each spouse must complete and file a separate Exhibit D. Check
1. Within the 180 days before the filing of my bankruptcy case , I the United States trustee or bankruptcy administrator that outlined the performing a related budget analysis, and I have a certificate from the ag certificate and a copy of any debt repayment plan developed through the	opportunities for available credit counseling and assisted me in ency describing the services provided to me. Attach a copy of the
□ 2. Within the 180 days before the filing of my bankruptcy case , I the United States trustee or bankruptcy administrator that outlined the performing a related budget analysis, but I do not have a certificate from a copy of a certificate from the agency describing the services provided the agency no later than 15 days after your bankruptcy case is filed.	opportunities for available credit counseling and assisted me in the agency describing the services provided to me. You must file
☐ 3. I certify that I requested credit counseling services from an approducy from the time I made my request, and the following exigent circumstances I can file my bankruptcy case now. [Must be accompanied circumstances here.]	cumstances merit a temporary waiver of the credit counseling
If the court is satisfied with the reasons stated in your motion, it we obtain the credit counseling briefing within the first 30 days after you the agency that provided the briefing, together with a copy of any extension of the 30-day deadline can be granted only for cause and is be filed within the 30-day period. Failure to fulfill these requirements at sified with your reasons for filing your bankruptcy case without dismissed.	Ifile your bankruptcy case and promptly file a certificate from debt management plan developed through the agency. Any limited to a maximum of 15 days. A motion for extension must ents may result in dismissal of your case. If the court is not
□ 4. I am not required to receive a credit counseling briefing because of motion for determination by the court.] □ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by re of realizing and making rational decisions with respect to financ □ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically imparticipate in a credit counseling briefing in person, by telephon □ Active military duty in a military combat zone.	ason of mental illness or mental deficiency so as to be incapable ial responsibilities.); paired to the extent of being unable, after reasonable effort, to
5. The United States trustee or bankruptcy administrator has determined does not apply in this district.	ned that the credit counseling requirement of 11 U.S.C. § 109(h)
I certify under penalty of perjury that the information provided above is	s true and correct.
Signature of Debtor: /s/JOSEPH A NOWAK	

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IN KE:		Case No.
NOWAK, JOSEPH A		Chapter 13
,	Debtor(s)	
	VERIFICATION OF CREDI	TOR MATRIX
		Number of Creditors4
The above-named Debtor(s)	hereby verifies that the list of creditors is	s true and correct to the best of my (our) knowledge.
Date: July 24, 2007	/s/ JOSEPH A NOWAK Debtor	
	Joint Debtor	

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NOWAK. JOSEPH A 26220 W Arbor Ln Channahon, IL 60410-5562

Law Office Of Sherry L. Howard 30 E 34th St Steger, IL 60475-1759

Capital One Auto Finance PO Box 260848 Plano, TX 75026-0848

GE Corporate Payment Services 4246 Riverboat Rd Salt Lake City, UT 84123-2551

GMAC PO Box 2182 Greeley, CO 80632-2182

Wells Fargo Bank C/O: Pierce & Assoc 1 N Dearborn St Chicago, IL 60602-4331